

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRANCH BANKING AND TRUST
COMPANY,

Case No. 2:12-cv-01463-JCM-PAL

ORDER

Plaintiff,

v.

DESERT CANYON PHASE II, LLC, et al.,

Defendants.

On July 20, 2015 the district judge referred this case to me to hold an evidentiary hearing and submit a report and recommendation on the fair market value of the property at issue in this case on *See* Minute Order (Dkt. #87). At a scheduling conference held August 6, 2015, the evidentiary hearing was set for October 5, 2015, at 8:30 a.m. The parties have fully briefed their positions regarding fair market value, and the issues to be determined by the court.

To facilitate an efficient evidentiary hearing,

IT IS ORDERED that:

1. **WITNESSES.** Counsel shall immediately subpoena all witnesses for the time and date of the evidentiary hearing. The subpoenas should contain a special instruction from counsel directing witnesses to contact the offices of counsel for further instructions about when to appear. Counsel shall schedule the witnesses to ensure that the next witness is ready to be called when the preceding witness has finished testifying.
2. **WITNESS LISTS.** Counsel shall have until **September 21, 2015**, to exchange a list of their respective witnesses, and a good-faith estimate of the amount of time required for direct examination, and cross-examination.

- 1 3. **DEPOSITIONS.** Counsel shall have until **September 21, 2015** to exchange a list of
2 any depositions that will be offered at the evidentiary hearing. The name of the
3 witness and the portions of the testimony to be offered shall be identified by and page
4 and line numbers.
- 5 4. **EXHIBITS.** Counsel shall have until **September 21, 2015**, to exchange the list of
6 exhibits each side proposes to introduce during the evidentiary hearing.
- 7 5. **MARKING EXHIBITS. Numerals** shall be used to identify all exhibits. **Plaintiff's**
8 **exhibits** shall be marked 1-500. **Defendants' exhibits** shall be marked 501-1000.
9 Exhibits that are on the same subject matter may be marked as a series: that is,
10 Plaintiff's 1-A, 1-B, Defendants 501-A, 501-B, etc. The exhibits shall be listed on
11 the exhibit list form available on the court's website. Counsel may use computer-
12 generated exhibit lists so long as they conform to the requirements of the form. **The**
13 **original exhibits and exhibit lists and one copy of each** shall be delivered to Mr.
14 Miller, Courtroom Deputy, no later than **September 28, 2015**.
- 15 6. **STIPULATIONS AND OBJECTIONS.** The parties shall meet and confer prior to
16 the evidentiary hearing for the purpose of reaching stipulations as to which exhibits
17 may be admitted into evidence. The parties shall also exchange all objections to the
18 admissibility of exhibits. A list of exhibits and deposition testimony stipulated into
19 evidence, and a list of exhibits and deposition testimony with all objections, shall be
20 delivered to Mr. Miller no later than **September 28, 2015**.
- 21 7. **FINDINGS OF FACT AND CONCLUSIONS OF LAW.** Counsel shall have until
22 **September 28, 2015**, to file proposed findings of fact and conclusions of law.
- 23 8. **SANCTIONS.** Sanctions may be imposed against any attorney who fails to timely
24 comply with this order.
- 25 9. **CONTACT PERSON.** Questions and information regarding the evidentiary
26 hearing, and available courtroom technology shall be directed to Mr. Miller, at (702)
27 464-5420. Arrangements should be made with Mr. Miller in advance of the
28 evidentiary hearing to learn how to use any courtroom equipment needed, and to

1 ensure that any of counsel's own equipment is compatible with the court's available
2 technology.

3 DATED this 19th day of August, 2015.

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6 PEGGY A. LEEN
7 UNITED STATES MAGISTRATE JUDGE
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